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GAMBLING COMMISSION
COMM & LEGAL DIVISION

In the Matter of the Revocation of the License to)
Conduct Gambling Activities of:) NO. CR 2011-00650
)
Jaymee Mitchell) SETTLEMENT ORDER
Renton, Washington,)
)
Licensee.)
_____)

The Washington State Gambling Commission and the licensee, Jaymee Mitchell, agree to this Settlement Order to resolve the administrative charges pending against the licensee. Stephanie Happold, Assistant Attorney General, and Melinda Froud, Staff Attorney, represent the Gambling Commission. Ms. Mitchell is represented by James S. Burnell, Attorney at Law.

I.

The Washington State Gambling Commission issued Jaymee Mitchell the following license: Number 68-29777, authorizing Card Room Employee activity, formerly with Red Dragon Casino.

The license expires on January 31, 2012, and was issued subject to Ms. Mitchell's compliance with state gambling laws and rules.

II.

On July 20, 2011, the licensee was served with the Findings of Fact, Conclusions of Law and Order of Summary Suspension. On July 22, 2011, Ms. Mitchell requested a Stay Hearing and a Administrative Hearing on her revocation proceedings. The Stay Hearing was held August 2, 2011. Ms. Mitchell's request for a Stay was denied by an administrative order on August 12, 2011. The Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the Licensee, on September 7, 2011. The Director issued a Notice of Amended Administrative Charges and Opportunity for an Adjudicative Proceeding to the licensee, on November 16, 2011.

III.

The following summary of facts and violations were alleged in the Notice of Administrative Charges:

1) On March 29, 2011, Jaymee Mitchell was charged with two counts of Violation of the Uniform Controlled Substance Act. The State has alleged Ms. Mitchell engaged in manufacturing and possessing marijuana with intent to deliver. Jaymee Mitchell was charged with two counts of Violation of the Uniform Controlled Substance Act, a Class C Felony. The licensee poses a threat to the effective regulation of gaming, or increases the likelihood of unfair

or illegal practices as demonstrated by her prior activity, based on RCW 9.46.075(1), (8) and (9) and WAC 230-03-085(1).

2) On September 8, 2011, an Amended Information was filed, charging Ms. Mitchell with two gross misdemeanors as follows: Attempted Defrauding a Public Utility 2nd Degree; and Criminal Solicitation to Commit a Controlled Substance Violation, to-wit: Manufacture of Marijuana.

3) On September 8, 2011, Ms. Mitchell pled guilty to a Criminal Solicitation to Commit a Controlled Substance Violation, to-wit: manufacture of Marijuana, and Defrauding a Public Utility 2nd Degree. Ms. Mitchell admitted in her statement of Defendant on Plea of Guilty that: "On 5/25/10 in Snohomish County WA, I, with intent to promote or facilitate the commission of a crime, To wit: Violation of the Uniform Controlled Substance Act, Manufacture of Marijuana, did offer to give money or other thing of value to wit: money and services, to another to engage in specific conduct which would constitute such crime, or would establish complicity of such other person in its commission or attempted commission had such crime be attempted or committed. I also knowingly attempted to divert power from a public utility without the consent of the utility (Snohomish County public Utility Dist) the value of the diverted power was over \$500 but less than \$1,500 with the intent to defraud the utility."

4) On November 4, 2011, Ms Mitchell was sentenced to 364 days in jail suspended, with 60 days to serve of Electronic Home Monitoring, 120 hours of community service, and 12 months unsupervised probation, to run concurrent on all counts, in addition to fines, costs and restitution.

5) Ms. Mitchell was ordered to pay \$10,695.23 in restitution and \$1,500 in court costs for a total of \$12,195.23, with the issue of additional restitution reserved for further motion.

Jaymee Mitchell has failed to establish by clear and convincing evidence, as required by RCW 9.46.153(1), that she is qualified to be licensed. As a result, there are grounds to revoke Jaymee Mitchell's license based on RCW 9.46.075(1), (2), (4), (8), (9) and (11) and WAC 230-03-085(1), (5) and (8).

VIOLATIONS:

1) RCW 9.46.075(1) provides the Commission may revoke any license for any reason or reasons, it deems to be in the public interest.

2) RCW 9.46.075 (2) provides the Commission may revoke any license where the licensee knowingly causes, aids, abets, or conspires with another to cause, any person to violate any of the laws of this state or the rules of the commission.

3) RCW 9.46.075 (4) provides the Commission may revoke any license where the licensee has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any

state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude;

4) **RCW 9.46.075(9)** provides the Commission may revoke any license when the licensee is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses included under subsection (4) of this section: PROVIDED, That at the request of an applicant for an original license, the commission may defer decision upon the application during the pendency of such prosecution or appeal.

5) **RCW 9.46.075(11)** provides the Commission may revoke any license when the licensee is a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in such a manner which creates probable cause to believe that the association is of such a nature as to be inimical to the policy of this chapter or to the proper operation of the authorized gambling or related activities in this state. For the purposes of this section, career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain utilizing such methods as are deemed criminal violations of the public policy of this state. A career offender cartel shall be defined as any group of persons who operate together as career offenders.

6) **WAC 230-03-085(1)** provides that the Commission may revoke any license when a licensee commits any act that constitutes grounds under RCW 9.46.075 for revoking a license, or commits any other act that the commission determines constitutes a sufficient reason in the public interest for revoking a license.

7) **WAC 230-03-085(5)** provides that the Commission may revoke any license when a licensee is serving a period of probation or community supervision imposed as a sentence for any juvenile, misdemeanor, or felony criminal offense, whether or not the offense is covered under RCW 9.46.075(4).

8) **WAC 230-03-085(8)** provides that the Commission may revoke any and all licenses or permits of any holder, when the holder poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

9) **RCW 9.46.075(8)** provides the Commission may revoke any license when a licensee fails to prove, by clear and convincing evidence, that she is qualified in accordance with the provisions of this chapter.

10) **RCW 9.46.153(1)** provides that it shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

IV.

Ms. Mitchell has waived her right to a hearing based on the terms and conditions of this Settlement Order and further agrees to the following:

- 1) Jaymee Mitchell shall surrender her gambling license. **The signed Settlement Order and Ms. Mitchell's license must be received by Commission staff on or before December 20, 2011, and mailed to Commission Headquarters at the following address:**

Washington State Gambling Commission
Attention: Communications and Legal Division
P.O. Box 42400
Olympia, WA 98504-2400

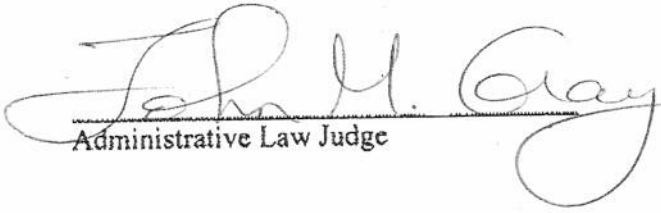
Or delivered (in person or via private courier) to the following address:

Washington State Gambling Commission
4565 7th Avenue SE; Fourth Floor
Attention: Communications and Legal Division Lacey, WA 98503

- 2) In the event Ms. Mitchell subsequently applies for a certification or gambling license, she will be subject to all the Commission's investigative procedures for processing an application for a gambling license. Furthermore, no promises or assurances have been made to Ms. Mitchell that she will receive a certification or license from the Commission should she apply.

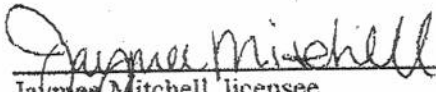
- 3) Ms. Mitchell shall have no involvement directly or indirectly, whether paid or unpaid, in the operation, ownership, or financing of any business in Washington State which is applying for, or holds, a gambling license or permit or is involved with any gambling activity, including punchboard/pull-tab activity. However, this does not prevent Ms. Mitchell from working in any non-gambling activity, such as employment in restaurants located in establishments engaged in authorized gambling activity.

DATED this 29 day of December, 2011.



Administrative Law Judge

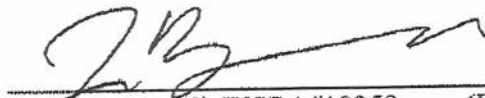
By her signature, the Licensee
Understands and accepts the terms
And conditions of this Order


APPROVED FOR ENTRY:

 12.16.11
Jaymee Mitchell, licensee (Date)

APPROVED AS TO FORM:

 12/27/11
Stephanie Happold, WSBA# 38112
Assistant Attorney General,
Representing the Washington State
Gambling Commission

 12/13/11
James S. Burnell, WSBA#19359 (Date)
Attorney at Law, 19359
Representing Jaymee Mitchell


Melinda Froud, WSBA# 26792
Staff Attorney,
Washington State Gambling Commission